GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PS – PR. and RD. Department–Disciplinary proceedings initiated against Sri S.D. Koteswara Rao, Assistant Engineer, PR, Srikakulam (Zone-I) on OD in the O/o. the ENC, PR, Hyderabad and worked on OD basis as Asst. Engineer, Division-II, GHMC, Hyderabad on the allegation of substandard execution of works and claiming bogus bills in Engineering Wing of South Zone and Rajendranagar Circle of G.H.M.C., Hyderabad- Charges proved in the regular inquiry conducted by the C.O.I - Imposition of a penalty of 15% cut in pension permanently under rule 9 of A.P. Revised Pension Rules 1980, besides recovery of an amount of Rs.1,31,899/- which is being 50% of excess payment made at bank rate + 2% as per Article 300 of A.P. Financial Code, Volume-I, in lumpsum - Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 67 **Dated: 12-02-2021.**

Read the following:

1. From the DG, V&E, Vigilance Report NO. 107 (782/V&EE1/2010), dt: 26.09.2013.
2. G.O.Rt.No.251, PR&RD (Vig. I) Department, dt: 10.02.2014.
3. From Sri S.D. Koteswara Rao, Assistant Engineer (PR), O/o. the ENC,PR, Hyderabad, dt: 12.05.2014.
4. G.O.Rt.No.302, PR&RD (Vig. I) Department, Govt. of Telangana, Dt: 21.04.2016
5. G.O.Rt.No.303, PR&RD (Vig. I) Department, Govt. of Telangana, Dt: 21.04.2016.
6. From Sri C. Sammi Reddy, IFS (Retd.), Commissioner of Inquiries, General Administration (Spl.N.-CSR) Department, Govt. of TS, D.O. Letter NO. 07SPL-N-COI/2016, dt: 19.03.2018.
7. Govt. Memo No. 25956/Vig. I/A2/2013-5, dt: 28.05.2018 of PR&RD (Vig. I) Department, Govt. of TS.
8. From Sri S.D. Koteswara Rao, Asst. Engineer (PR), O/o. the ENC,PR, Vijayawada, representations dt:13.07.2018 & 18.1.2019.
9. From the Principal Secretary to Govt., PR&RD Department, Telangana Secretariat, Hyderabad, Letter No. 25956/Vig.I/A2/2013-8, dt: 17.12.2019.
10. Govt. Memo No. 5344/Vig. I/2019, PR&RD (Vig. I) Dept., Dt: 15.07.2020.
11. From the ENC,PR, AP, Vijayawada, Letter No. Vig. I(1)/10654/2012, dated: 21.09.2020.

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12. Govt. Letter No. 5344/Vig. I/2019, PR&RD (Vig. I) Department, dt: 21.12.2020.

13. From the Secretary, APPSC, Letter No.424 /DC&C /2020, dt: 27.01.2021.

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ORDER :

In the reference 2nd read above, Government have initiated disciplinary proceedings by framing following article of charge under Rule 20 of APCS (CC&A) Rules, 1991 against Sri S.D. Koteswara Rao, Assistant Engineer, PR, Srikakulam (Zone-I) on OD in the O/o. the Engineer-in –Chief, Panchayat Raj, Hyderabad and worked on OD basis as Assistant Engineer, Division-II, GHMC, Hyderabad, with a direction to submit his written statement of defence :

Charge:
That Sri S.D. Koteswara Rao, former Assistant Engineer, Division No. II (South Zone), GHMC, Hyderabad on OD basis, now working as A.E, PR Circle, Srikakulam and on OD in the O/o. the Engineer-in-Chief, PR, Hyderabad, during his tenure as Assistant Engineer, Division No.II (South Zone), GHMC, Hyderabad recorded fraudulent measurement of SS flooring resulting into excess measurements and excess payment of Rs.2,63,797/- in contravention of APCS (Conduct) Rules. 1964.

2. In the reference 3rd read above, the charged officer Sri S.D. Koteswra Rao, Asst. Engineer (PR) submitted his written statement of defence dt:12.05.2014. Consequent to Andhra Pradesh State bifurcation, the above case has been dealt by the P.R. & R.D (Vig.I) Department, Government of Talangana, Hyderabad, since the irregularities taken place are falling under the jurisdiction of the State of Telangana and also involvement of another co-charged officer Sri Mohd. Shoukat Ali, Asst. Engineer, PR, Pargi, Ranga Reddy District (Retd.) in the case.

3. Accordingly, in the reference in the reference 4th read above, the Government of Telangana have initiated common proceedings against the charged officer Sri S.D. Koteswara Rao, Asst. Engineer, PR and also against another charged officer Sri Mohd. Shoukat Ali, Asst. Engineer, PR, Pargi, Ranga Reddy Dist. (Retd.), formerly worked on OD basis as Asst. Engineer, Q.C.Division-II, GHMC, Hyderabad. Simultaneously, vide reference 5th read above, they have appointed Sri C. Sammi Reddy, IFS (Retd.), Commissioner of Inquiries, General Administration Department, as the Inquiry Officer to conduct inquiry into the charges framed against above two charged officers.

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4. In the reference 6th read above, the Inquiring Authority has furnished inquiry report and among others, the Inquiring Authority held that charges framed against the charged officer Sri S.D. Koteswara Rao, Assistant Engineer (PR) is held proved. Through the reference 7th read above, copy of the inquiry report has been communicated to the charged officer for his representation and vide reference 8th read above, the charged officer has submitted his representations dt:13.07.2018 & dt: 18.1.2019 pleading not guilty and requested to drop further action sympathetically in the matter.

5. In the reference 9th read above, the P.R. & R.D. Department, Government of Telangana, Hyderabad, have transferred the disciplinary case in respect of the charged officer Sri S.D. Koteswara Rao, Assistant Engineer, PR, Srikakulam (worked on OD basis in GHMC, Hyderabad) along with relevant copies of records to the State of Andhra Pradesh for taking necessary action, since the individual is working in the State of Andhra Pradesh.

6. The Government of Andhra Pradesh have examined the matter with reference to material available and observe that the Inquiring Authority in the inquiry report dt: 19.03.2018, among others, have given findings in respect of the charged officer Sri S.D. Koteswara Rao, Assistant Engineer and "held that charge framed against the charged officer is held proved". Further, the Inquiring Authority also opined that "50% of the excess expenditure be recovered from the charged officer for recording the measurements and claiming the expenditure without executing the works and balance 50% be recovered from the Contractor, who executed the work and claimed bills". The charge relating to recording fraudulent measurements and claiming bogus bills is grave in nature and the same has been stands proved in the regular inquiry conducted by the Commissioner of Inquiries.

7. Further, as per the Amendment to the to Article 300 of A.P. Financial Code, Volume-I made as per orders issued in G.O.Ms.NO.33, Finance (TFR.I) Department, Dt:9.2.2006, that "recovery from the Government servant for the losses by misappropriation of Government money shall be, recovery of the misappropriated amount / loss caused at bank rate as fixed by RBI + 2%.

8. Keeping in view the above, the Government of A.P, after examination of the mater, have provisionally decided to impose a penalty of 15% cut in pension permanently against Sri S.D. Koteswara Rao, Assistant Engineer (PR) (Retired) under rule 9 of A.P. Revised Pension Rules 1980, besides recovery of an amount of Rs.1,31,899/- which is being 50% of excess payment made at

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bank rate + 2% as per Article 300 of A.P. Financial Code, Volume-I. Accordingly, in the reference 10th read above, Government have communicated the above provisional decision to the charged officer and directed to show cause him on the proposed penalty besides recovery of amount for the charge held proved during the regular inquiry.

9. In the reference 11th read above, the Engineer-in-Chief, PR, AP, Vijayawada has furnished the copy of the representation dt: 09.09.2020 of the charged officer Sri S.D. Koteswara Rao, Assistant Engineer (Retd.), wherein the charged officer has stated that the V&E officials taken measurements for the work "Laying of SS flooring at Matha Temple, Vetetpalley, Hyderabad" and observed the measurement of above work is 358.36 Sqm for one work only out of four works, without asking his accompany since he is the person to show the work site. But he has not attended with the V&E on 28.12.2011. Later the V&E officials asked him to attend the Regional Vigilance and Enforcement Office and instructed him to sign and put the date. Due to fear, he had signed with date but he has not accompanied with the V&E officials on 28.12.2011. The above issue was also brought to the notice of Inquiring Authority but the Inquiring Authority not given any justification and simply says that charge is held proved against him. The Charged Officer has stated that he has not recorded any fraudulent measurements and requested to drop further action against him.

10. Government have examined the representation of the charged officer with reference to material made available and observe that in the V&E Report, it has been mentioned that "four works were inspected by the V&E officials along with field officials on 28.12.2011". The measurements recorded in the M.Book for the 1 st work was recorded with 240.00 sqm; 2 nd work with 244.42 sqm; 3 rd work with 249.60 sqm and 4 th work with 244.60 sqm. But the V&E found only 358.36 sqm on all the works and they have not found the other three works and the V&E have stated that there was no demarcation for each work and they have also not found the other three works that were executed at site, but recorded as executed and made payments. Hence, the contention of the Charged Officer that the V&E not verified the other three works is not tenable.

11. Government also observe that, the Charged Officer has submitted his similar version before the Inquiring Authority (C.O.I) and the Prosecution Witnes-2 (Sri IVS. Reddy, the then Dy.EE, O/o. the RVEO, Hyderabad City, who inspected the work in question on 28.12.2011, along with other V&E personnel) deposed

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that "on the day of inspection, the V&E observed 358.36 sqm of SS flooring existing as against the recorded quantity of 978.62 sqm in the same premises and taken measurements and got filed observation proceedings and got it signed by C.Os". The Inquiring Authority concluded this aspect stating that "it is evident that the C.O-2 (Sri S.D. Koteswara Rao, A.E.,) during the inspection of V&E officials on 28.12.2011, failed to show the demarcation of each work of the 4 works executed and as such the claim of Charged Officer that the V&E officials have inspected only one work is rejected'. Hence, the representation of the charged officer to drop further action is devoid of merits and he is not absolved from the charge.

12. Keeping in view of the above, Government have decided to proceed further by imposing the provisional decision taken against the individual. Accordingly, Government consulted the A.P. Public Service Commission for their concurrence for imposing the penalty of 15% cut in pension permanently against Sri S.D.Koteswara Rao, Assistant Engineer (PR) (Retd.), besides the recovery amount vide reference 12th read above.

13. In the reference 13th read above, the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the above penalty besides recovery on the charged officer and advised to take action accordingly.

14. Accordingly, Government after careful examination of the matter, hereby order to impose a penalty of 15% cut in pension permanently against Sri S.D. Koteswara Rao, Assistant Engineer (PR) (Retired) under rule 9 of A.P. Revised Pension Rules 1980, besides recovery of an amount of Rs.1,31,899/- which is being 50% of excess payment made at bank rate + 2% as per Article 300 of A.P. Financial Code, Volume-I, in lumpsum.

15. The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada is directed to take necessary action and to recover the above amount accordingly from the charged officer in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri S.D. Koteswara Rao, Asst. Engineer (PR), H.No.16-2-705/1/B/a, Swathi Rukmini Das Plaza, Professors Colony, Back side of D-Mart, Malakpet, Hyderabad, Telangana State
through Engineer in Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.

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The Engineer in Chief, Panchayat Raj, Andhra Pradesh, Vijayawada. (with a request to serve the copy to the individual and communicated the dated acknowledgment copy to Govt.).

Copy to:

The Secretary to VC, A.P. Vigilance Commission, Velagapudi.
The Secretary, A.P. Public Service Commission, A.P, Vijayawada.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER